REMARKS

This application has been reviewed in light of the Office Action dated December 3, 2003. Claims 1-23, 31, 34, and 42 are presented for examination. Claims 24-30, 32, 33, 35-41, 43, and 44 have been canceled, without prejudice or disclaimer of subject matter. Claims 1-23, 31, 34, and 42 have been amended to define more clearly what Applicant regards as his invention. Claims 1, 9, 12, 20, 23, 31, 34, and 42 are in independent form. Favorable reconsideration is requested.

A Claim To Priority and a certified copy of the priority document for this application were filed on May 2, 2000, as evidenced by the returned receipt postcard bearing the stamp of the Patent and Trademark Office, a copy of which is attached hereto. Applicant respectfully requests acknowledgment of the claim for foreign priority and the receipt of the certified copy.

Claims 4, 15, 26, and 37 were rejected under 35 U.S.C. § 112, first paragraph, for alleged failure to disclose the best mode contemplated by the inventor.

Claims 1-3, 9-11, 20-22, 31-33, and 42-44 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite.

First, cancellation of Claims 26, 32, 33, 37, 43, and 44 renders the rejections of those claims moot.

The remaining claims have been carefully reviewed and amended as deemed necessary to ensure that they conform fully to the requirements of Section 112, first and second paragraphs, with special attention to the points raised in paragraphs 2 and 3 of the Office Action. Specifically, with regards to Claims 4 and 15, the phrase "said physical address is an IP address" has been amended to read "the physical address is a

media access control address". As for Claims 1-3, 9-11, 20-22 31, and 42, those claims have been amended to remove the term "own". It is believed that the rejections under Section 112, first and second paragraphs, have been obviated, and their withdrawal are therefore respectfully requested.

Claims 1, 2, 4, 5, 12, 13, 15, 16, 23, 24, 26, 27, 34, 35, 37, and 38 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,266,726 (*Nixon et al.*). Claims 6, 17, 28, and 39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Nixon et al.*, in view of U.S. Patent No. 6,049,825[1] (*Yamamoto*); Claims 3, 7, 8, 14, 18, 19, 25, 29, 30, 36, 40, and 41 as being unpatentable over *Nixon et al.* in view of U.S. Patent No. 6,216,171 (*Isono et al.*); and Claims 9-11, 20-22, 31-33, and 40-42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Nixon et al.* in view of *Yamamoto* and further in view of *Isono et al.*

Cancellation of Claims 24-30, 32, 33, 35-41, 43, and 44 renders their rejections moot.

As shown above, Applicant has amended independent Claims 1, 9, 12, 20, 23, 31, 34, and 42 in terms that more clearly define the present invention. Applicant submits that these amended independent claims, together with the remaining claims dependent thereon, are patentably distinct from the cited prior art for at least the following reasons.

The aspect of the present invention set forth in Claim 1 is a network apparatus. The network apparatus includes a receiving unit, a detecting unit, and a setting

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1/ Applicant presumes the Office Action intended to identify the Yamamoto patent as U.S. Patent No. 6,049,825.

unit. The receiving unit, using a standard protocol, receives data from a network. The detecting unit adapted detects a special attribute value in a packet header of the data received by the receiving unit. The packet header is provided for the standard protocol. The setting unit sets a predetermined parameter of the network apparatus in accordance with the attribute value detected by the detecting unit.

One important feature of Claim 1 is detecting a special attribute value in a packet header of the data received by the receiving unit, and setting a predetermined parameter of the network apparatus in accordance with the attribute value detected by the detecting unit, whereby the packet header is provided for the standard protocol. That is, according to the present invention as recited in Claim 1, setting of a predetermined parameter for a network apparatus can be instructed to the apparatus via a network, by using an attribute value in a packet header provided for a standard protocol.

Nixon et al., as understood by Applicant, relates to a process control system for controlling a plurality of devices of multiple different types, including standard devices and non-standard devices using a standard control protocol. In the *Nixon et al.* apparatus, a process controller implements and executes a standard set of function blocks or control functions defined by a standard protocol so that standard-type control is achieved with respect to non-standard-type devices. The process controller enables standard devices to implement the standard set of function blocks and control functions. The process controller implements an overall strategy as if all connected devices are standard devices by usage of a Fieldbus function block as a fundamental building block for control structures. However, nothing has been found in *Nixon et al.* that teaches or suggests detecting a special attribute value in a packet header of data received by a receiving unit

and setting a predetermined parameter of a network apparatus in accordance with such detected attribute value, whereby the packet header is provided for the standard protocol.

Accordingly, Applicant submits that Claim 1 is clearly allowable on *Nixon et al.*, and respectfully requests withdrawal of the rejection under 35 U.S.C. § 102(e).

Independent Claims 12, 23, and 34 are method, computer-readable recording medium, and network device control program claims respectively corresponding to apparatus Claim 1, and are believed to be patentable for at least the same reasons as discussed above in connection with Claim 1.

The aspect of the present invention set forth in Claim 9 is a network apparatus that includes a receiving unit, a data length detecting unit and a setting unit. The receiving unit receives an ICMP echo message. The data length detecting unit detects a value of a data length in a packet header of the ICMP echo message received by the receiving unit, and the setting unit sets a predetermined parameter in accordance with the value of the data length detected by the data length detecting unit if a destination MAC address and a MAC address of the apparatus are the same.

One important feature of Claim 9 is setting a predetermined parameter in accordance with the value of the data length in a packet header of the received ICMP echo message.

The applied art, alone or in combination, is not seen to disclose or suggest the aspect of the invention defined by independent Claim 9, particularly with respect to setting a predetermined parameter in accordance with the value of the data length in a packet header of the received ICMP echo message.

The Office Action correctly states that *Nixon et al.* fails to teach receiving an ICMP echo message. Accordingly, *Nixon et al.* fails to disclose setting a predetermined parameter in accordance with the value of the data length in a packet header of a received ICMP echo message.

For at least these reasons, independent Claim 9 is believed clearly patentable over *Nixon et al.*, taken alone.

The Office Action cites *Yamamoto* and *Isono et al.* as remedying the deficiencies of *Nixon et al.* Applicant understands *Yamamoto* as relating to a method and system for automatically switching between duplicated network interface adapters. *Yamamoto* is cited for an ICMP message. *Isono et al.*, as understood by Applicant, relates to an information-supply and control apparatus and method which enables information supply by providing information with priority. *Isono et al.* is cited for allegedly teaching detecting a data length of the ICMP echo message. However, nothing has been found in *Yamamoto* or *Isono et al.* that teaches or suggests setting a predetermined parameter in accordance with the value of the data length in a packet header of a received ICMP echo message.

Therefore, even if *Nixon et al.*, *Yamamoto*, and *Isono et al.* were to be combined in the manner proposed in the Office Action, assuming such combination would even be permissible, the resulting combination also would fail to teach or suggest at least those features of Claim 9.

Accordingly, Applicant submits that Claim 9 is patentable over *Nixon et al.*, *Yamamoto*, and *Isono et al.*, whether considered separately or in combination.

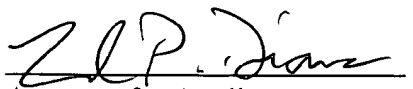
Independent Claims 20, 31, and 42 are method, computer-readable recording medium, and network device control program claims respectively corresponding to apparatus Claim 9, and are believed to be patentable for at least the same reasons as discussed above in connection with Claim 9.

The other rejected claims in this application depend from one or another of the independent claims discussed above, and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual consideration or reconsideration, as the case may be, of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully request favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,



Attorney for Applicant

Registration No. 29,296

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

NY MAIN 331664